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WRITTEN REPORT OF THE INTERNATIONAL SEARCH OFFICE

(SUPPLEMENTARY PAGE)

Intern. File No. PCT/EP2005/050103

Re Point V

Reasoned statement with regard to novelty, inventive step, and industrial applicability; citations and explanations supporting this statement

1. Reference is made to the following documents:

D1: WO 01/64468 A1
D2: US 2002/0125050 A1
D3: US 2003/0234519 A1

2. The present application does not satisfy the requirements of Article 33(1) PCT, because the subject matter of Claims 1 through 7 is not based on an inventive step within the meaning of Article 33 (3).

2.1 Document D1 is considered to be the most proximate related art with respect to the subject matter of Claim 1. It describes:

(the parenthetical references relate to this document):
"1. A device for adjusting seat components (cf. steps 54, 56, 60, 62 and 80 in Figure 3) and at least one safety belt (cf. step 78 in Figure 3 and page 7, lines 27-29) as a function of a signal from a video sensor system 16+36 (cf. page 4, lines 9-28), wherein the video sensor system 16+36 generates the signal as a function of [among others] an occupant pose (cf. page 6, lines 23-28) and a head position (cf. page 4, lines 30-32)."

Commentary: The geometrical positions of the lower leg and the upper leg and the bending angle between lower arm and upper arm of the

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driver are ascertained by evaluation device 36 of electronic control device 32 (cf. page 6, lines 23-28, and page 7, lines 13 - 14). These positions correspond to the occupant pose of the driver.

Therefore, the subject matter of Claim 1 differs from the known device in that the video sensor system generates the signal as a function of, additionally, an occupant class and an occupant volume.

These differences appear to constitute merely a supplementation of the image-generating device. In D1, a three-dimensional surface image of the driver seated in the driver seat is generated with the aid of video sensor system 16 + 36. D1 does give examples of how the image is recorded (cf. page 4, lines 15 - 28), but it leaves open the way the signal is processed by the evaluation device. The teaching of D1 with respect to the driver-position determination is thus incomplete, and the aforementioned differences correspond to one of the possibilities for "filling this gap" which one skilled in the art would find easily (cf. Guidelines C-IV-Attachment-1.1i). The classification of the occupant and consideration of its volume are actually well known in occupant-detection systems: cf., for instance, D3, in particular [0040] - [004].

- 2.2 The additional features of Claims 2, 4 and 5 are known from D1.
 - The additional features of Claim 2 can be gathered directly from step 52 of Figure 3 and page 6, lines 4 - 13: the first time period corresponds to the time span between steps 50 and 52.

- The additional features of Claims 4 and 5 result inevitably from the source references indicated for Claim 2: The second time period begins when the driver actuates the accelerator.

2.3 The additional features of Claims 3 and 7 appear to be suggested by D1.

- The configuration for the continuous adjustment of Claim 3 is a possible configuration for D1 and thus appears not to be based on an inventive step.
- The subject matter of Claim 7, to the extent that it does not depend from Claim 3 or 6, differs from D1 in that the body measurements stored in memory 38 (cf. page 6, lines 23 - 28) are provided for the occupant classes and in that seat and belt data are stored in the memory. These differences simply supplement the adjustment control described in D1. They are well known in this technical field and thus do not appear to be based on inventive activity.

2.4 The additional features of Claim 6 are suggested by D2.. The additional features of Claim 6 are not known from D1 and have the effect that the occupant is well protected in the event of a crash even when he/she has not correctly adjusted the seat and the belt. These differences in connection with this effect are known from D2 and are suggested thereby: Cf. [0143].